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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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TSUNAMI SALES & MARKETING,
INC., a California
Corporation,

2:18-cv-520 WBS CKD

Plaintiff,

v.

JOHNSON OUTDOORS, INC., a
Wisconsin Corporation,

Defendant.

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for July 2, 2018, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All defendants have been served, and no further service is permitted without leave of court, good cause having been shown

1 under Federal Rule of Civil Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 No further joinder of parties or amendments to
4 pleadings will be permitted except with leave of court, good
5 cause having been shown under Federal Rule of Civil Procedure
6 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
7 (9th Cir. 1992).

8 III. JURISDICTION/VENUE

9 Jurisdiction is predicated upon diversity jurisdiction,
10 28 U.S.C. § 1332, because the parties are of diverse citizenship
11 and the amount in controversy exceeds \$75,000.00. Venue is
12 undisputed and hereby found to be proper.

13 IV. DISCOVERY

14 The parties shall serve the initial disclosures
15 required by Federal Rule of Civil Procedure 26(a)(1) on or before
16 July 13, 2018.

17 All discovery, including depositions for preservation
18 of testimony, shall be so conducted as to be completed by
19 December 28, 2018. The word "completed" means that all discovery
20 shall have been conducted so that all depositions have been taken
21 and any disputes relevant to discovery shall have been resolved
22 by appropriate order if necessary and, where discovery has been
23 ordered, the order has been obeyed. All motions to compel
24 discovery must be noticed on the magistrate judge's calendar in
25 accordance with the local rules of this court and so that such
26 motions may be heard (and any resulting orders obeyed) not later
27 than December 28, 2018.

28 The parties agree to limit interrogatories and document

1 requests to 25 for each party and depositions to 5 for each
2 party, to be exceeded only upon agreement of the parties or
3 approval of the court.

4 V. MOTION HEARING SCHEDULE

5 All motions, except motions for continuances, temporary
6 restraining orders, or other emergency applications, shall be
7 filed on or before March 1, 2019. All motions shall be noticed
8 for the next available hearing date. Counsel are cautioned to
9 refer to the local rules regarding the requirements for noticing
10 and opposing such motions on the court's regularly scheduled law
11 and motion calendar.

12 VI. FINAL PRETRIAL CONFERENCE

13 The Final Pretrial Conference is set for May 13, 2019,
14 at 1:30 p.m. in Courtroom No. 5. The conference shall be
15 attended by at least one of the attorneys who will conduct the
16 trial for each of the parties and by any unrepresented parties.

17 Counsel for all parties are to be fully prepared for
18 trial at the time of the Pretrial Conference, with no matters
19 remaining to be accomplished except production of witnesses for
20 oral testimony. Counsel shall file separate pretrial statements,
21 and are referred to Local Rules 281 and 282 relating to the
22 contents of and time for filing those statements. In addition to
23 those subjects listed in Local Rule 281(b), the parties are to
24 provide the court with: (1) a plain, concise statement which
25 identifies every non-discovery motion which has been made to the
26 court, and its resolution; (2) a list of the remaining claims as
27 against each defendant; and (3) the estimated number of trial
28 days.

1 In providing the plain, concise statements of
2 undisputed facts and disputed factual issues contemplated by
3 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
4 that remain at issue, and any remaining affirmatively pled
5 defenses thereto. If the case is to be tried to a jury, the
6 parties shall also prepare a succinct statement of the case,
7 which is appropriate for the court to read to the jury.

8 VII. TRIAL SETTING

9 The jury trial is set for July 16, 2019 at 9:00 a.m.
10 Parties estimate that a jury trial will last approximately five
11 days.

12 VIII. SETTLEMENT CONFERENCE

13 A Settlement Conference will be set at the time of the
14 Pretrial Conference. All parties should be prepared to advise
15 the court whether they will stipulate to the trial judge acting
16 as settlement judge and waive disqualification by virtue thereof.

17 Counsel are instructed to have a principal with full
18 settlement authority present at the Settlement Conference or to
19 be fully authorized to settle the matter on any terms. At least
20 seven calendar days before the Settlement Conference counsel for
21 each party shall submit a confidential Settlement Conference
22 Statement for review by the settlement judge. If the settlement
23 judge is not the trial judge, the Settlement Conference
24 Statements shall not be filed and will not otherwise be disclosed
25 to the trial judge.

26 IX. MODIFICATIONS TO SCHEDULING ORDER

27 Any requests to modify the dates or terms of this
28 Scheduling Order, except requests to change the date of the

1 trial, may be heard and decided by the assigned Magistrate Judge.
2 All requests to change the trial date shall be heard and decided
3 only by the undersigned judge.

4 IT IS SO ORDERED.

5 Dated: June 25, 2018



6 WILLIAM B. SHUBB
7 UNITED STATES DISTRICT JUDGE
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